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CARRIERS—FAILURE TO PURCHASE TICKETS—EXCESS FARE.—FULMER v. SOUTHERN RY. CO., 45 S. E. 196 (S. C.).—*Held*, that a railroad company cannot charge passengers boarding trains without tickets an excess fare over the maximum rate fixed by statute, although a rebate for said excess is given. Jones, Woods, Townsend, and Gage, JJ., *dissenting*.

The ruling of the main opinion is based on the argument that the issuance of a rebate check allows the railroad company the use of the money until the check is cashed in. This brings the rate above the maximum fixed by statute. The reports show but two cases directly in point. *Baltimore & Y. Turnpike Road v. Boone*, 45 Md. 344, supports the view of the majority. *Fetter, Carriers*, Vol. I, p. 7004, remarks that on principle the passenger ought not to be put to the trouble of having refunded an excess charge which the company had no right to make in the first place. *Reese v. Railroad Co.*, 131 Pa. St. 422, is in direct conflict with *Turnpike Road v. Boone*, *supra*. Such excess charge and rebate check is held to be not in contravention of the statute. The "reasonableness of the regulation" is the ground for this decision. The necessity of the system overbalances the fine line of overcharging as drawn in the Maryland case. Justice to the railroads and convenience to the public will require courts to follow the rule laid down in *Reese v. Ry. Co.*, *supra*.

CONSTITUTIONAL LAW—POLICE POWER—USE OF TRADING STAMPS.—YOUNG v. COMMONWEALTH, 45 S. E. 327 (VA.).—*Held*, that a statute prohibiting the use of trading stamps is in contravention of the Constitution of the United States, 14 Amd., sec. 1, as an infringement on personal liberty.

*State v. Dalton*, 46 Atl. 234 (R. I.), on which the opinion relies, presents the first decision bearing directly on the rights of the State, by police power, to abolish the so-called "trading stamp evil." Police power is the only source of authority by which a State may enact legislation of this character. *Barbier v. Connolly*, 113 U. S. 27; *Lawton v. Steele*, 152 U. S. 133. The constitution of the United States so limits the exercise of this power that property rights shall not be arbitrarily or unreasonably infringed by State legislatures. *Rubstrat v. People*, 185 Ill. 133; *Perry v. Comm.*, 155 Mass. 117; *Goodcharles v. Wigeman*, 133 Pa. St. 431. The ruling is well taken. The above decision supported by *State v. Dalton*, *supra*, seems to have established the fact that the trading stamp system cannot be disturbed by State action.

CORPORATIONS CREATED BY CONGRESS—GRANT OF POWER TO SUE AND BE SUED—LIABILITY FOR TORTS.—OVERHOLSER v. NATIONAL HOME, 67 N. E. 487 (OHIO).—Through the negligence of the defendant a large quantity of oil and water was discharged upon the land of the plaintiff in such a manner as to destroy his crops. *Held*, that the "home" is a corporation for the purpose of performing an appropriate and constitutional function of Congress and although the power to sue and be sued is conferred, yet it cannot be sued for a tort.

The reasoning in this case rests on the principle that the "home" is an instrument of government. *Bigelow v. Inhabitants of Randolph*, 14 Gray 541. A suit against a corporation performing only governmental functions is a suit against the government and hence can only be maintained when